BOMBAY REGULATION XIII OF 1830.[1]

[*31st March 1830.*]

Repealed in part by Act 12 of 1873 ;
Repealed in part by Act 12 of 1876 ;
Amended by Act 4 of 1894 ;
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for vesting certain jágírdárs, saranjámidárs and inamdárs with the power of deciding suits within the boundaries of their respective estates.

Preamble.

WHEREAS, in accordance with former custom, and in many instances agreeably to original tenure, jágírdárs saranjámidárs and inámdárs have been permitted to exercise civil jurisdiction within their possessions;

and whereas it has been considered expedient to continue, by specific enactments, to such persons the power of filing, trying and deciding original suits;

the following rules have been enacted [2]*

Power to grant sanads to jágírdárs and others, authorizing them to try suits.

1. *First.*—It shall be competent for the [3][Provincial Government] to grant sanads to persons of the description stated in the above preamble, whose names and possessions are enumerated in a list furnished by [4][the Provincial Government], conferring on them authority to try and determine all original suits of whatever amount that may be either filed in their Courts, or may be referred to them by the Agent or Judge.

Sanads to define jurisdiction.

Second.—The sanads shall define the territory or jágír over which the jágírdárs' jurisdiction extends, and be drawn out according to the form marked A in the Appendix.

Sanads granted only for life.

Third.—Such sanads shall only be granted for life; and without such sanad no jágírdár, saranjámidár or inámdár shall be considered as having the authority to hear and decide civil actions, unless on arbitration or by consent of the parties.

Provincial Government may withhold or withdraw them.

Fourth.—In granting sanads [4][the Provincial Government] reserves to itself, the right of withholding, and, if issued, of afterwards withdrawing, them, if from any cause such course should be deemed necessary in particular cases.

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[1] This Regulation was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay (except as regards the Scheduled Districts *i.e.*, the villages belonging to the following Mehwassi Chiefs:—

(1) The Párví of Káthí.
(2) The Párví of Nál.
(3) The Párví of Singpúr.
(4) The Walwi of Gaohálli.
(5) The Wassáwa of Chikhlí.
(6) The Párví of Nawalpúr.

The Regulation has been declared applicable to Agents of foreign Sovereigns and to certain other persons—*see* Act 15 of 1840.

Every jágírdár and other authority invested with powers under Bom. Reg. 13 of 1830 and Act 15 of 1840 shall, for the purposes of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), be deemed to be a Subordinate Judge of such class as the Provincial Government may from time to time direct, *see* s. 2A of that Act.

Cf. s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

[2] The words "to have effect from the date of promulgation" in the preamble were repealed by the Repealing Act, 1873 (12 of 1873).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government, *ibid.*

Persons within jágírdár's jurisdiction to bring disputes before him.

2. *First.*—All persons residing within the jurisdiction of a jágírdár must bring their civil disputes for adjudication before him, unless where the parties mutually agree to the contrary; or where one or the other is an European or American, or where, one being the relation or dependent of the jágírdár, the other objects on that ground.

Suits to be sent to Agent or Judge.

Second.—Suits thus excepted shall be sent up to the Agent or Judge, who will dispose of them either by trying them or by referring them for trial [1]* * * *

Decree to be passed by jágírdár.

Third.—The jágírdár shall pass a written decree recording the proceeding held, and his judgment on every action or suit tried before him.

Decisions of jágírdárs final.

3. *First.*—Decisions passed by the jágírdárs enumerated in the list furnished by [2][the Provincial Government] shall, in conformity with their right and authority by tenure, be final.

Appeal from decisions of other jágírdárs.

Second.—The decisions of all other jágírdárs shall be open to appeal according to the rules regarding appeal if in the first and second class of sardárs of the list provided for by clause second, section 3, [3]Regulation XXIX of 1827 to the Agent for the adjustment of sárdárs' claims; if of the third class of the said list, to the Judge.

Appeal from decisions in appeal.

Third.—Decisions by these authorities in these appeals shall be open to [4][appeal to] the Sadr Diwáni Adálat, when, if the original judgment is confirmed, the amount adjudged or at issue is rupees (1,000) one thousand; if modified or reversed, the amount at issue is rupees (200) two hundred.

Decrees not liable to be set aside for want of form.

Fourth.—Decrees by a Jágírdár shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Execution of decrees.

4. Jágírdárs shall have authority to execute their own decrees, and application for execution of decrees refused by the jágírdár may be received by the Agent or Judge [5]* * * * *

Special appeals.

5. A special appeal is open in all cases to the Sadr Diwáni Adálat [6]* * * *

APPENDIX A.

(See section 1, clause second.)

Form of Sanad to be granted to a Jágírdár, Saranjámidár, or Inámdár, for deciding suits.

[1] The words "to the [*Deputy*] Agent or Assistant Judge, as the case may be" in s. 2, cl. *second*, were repealed by the Repealing Act, 1873 (12 of 1873).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *Supra.*

[4] These words were inserted by the Repealing and Amending Act, 1894 (4 of 1894).

[5] The words "and such order be passed thereon as justice and the Regulations may require" were repealed by the Repealing Act, 1876 (12 of 1876).

[6] The words and figures "under the rules provided in Chapter XXII, Regulation IV of 1827, for the admission of special appeals" were repealed by the Repealing Act, 1873 (12 of 1873).

The Honourable [1][the Governor] by virtue of the powers vested in him by Regulation XIII of 1830, is pleased hereby to confer on you jágírdár (*or* as the case may be) power to receive, try and decide all such original suits as may be preferred to you for moveable or immoveable property, of whatever amount, or referred to you by the Agent or Judge, whereof both parties, or the defendant or defendants, in such suits shall be resident within the boundary of your jágir, etc., as hereafter defined; provided such parties shall not mutually agree to the contrary; or one or other of them shall not be an European or American; or, being your own relation or dependent, the adverse party shall not object on that account.

The boundaries of your jágir, over which your jurisdiction, as above set forth, extends, are hereby defined to be

The within-delegated power is vested in you during the pleasure and subject to the recall of the Honourable [1][the Governor].

[1] The words "the Governor" were substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.